



TELEPHONE
603-271-2331
AUTOVON 684-9200

AGSPMO

State of New Hampshire
Office of the Adjutant General
State Military Reservation
Concord, New Hampshire 03301

JOHN BLATSOS
MAJOR GENERAL
THE ADJUTANT GENERAL

LLOYD M. PRICE
BRIGADIER GENERAL
ASSISTANT ADJUTANT GENERAL, ARNG

JOHN J. ZITO
BRIGADIER GENERAL
CHIEF OF STAFF, ARNG

1 July 1983

NEW HAMPSHIRE NATIONAL GUARD
TECHNICIAN PERSONNEL REGULATION
NUMBER 752

DISCIPLINE AND ADVERSE ACTION

1. REFERENCE: NGB Technician Personnel Regulation No. 752.
2. GENERAL. 32 USC 709 (c) authorizes The Adjutant General to employ and administer to New Hampshire National Guard technicians. This authority places a positive responsibility on him to remove, suspend, or reassign to another position, any National Guard technician whose conduct or capacity is such that his removal, suspension, or reassignment will promote the efficiency of the service. Thus, The Adjutant General, through designated supervisors, is both empowered and obligated to act when he determines that such action is in order.
3. RESPONSIBILITIES.
 - a. Managers and supervisors have the responsibility for those efforts needed to attain and maintain a constructive disciplinary working environment in which all parties recognize and accept their responsibilities.
 - b. The Support Personnel Management Office (SPMO) will assist managers and supervisors to assure that all requirements are met for Disciplinary and Adverse Actions. It will insure that these actions are consistent with applicable laws, regulations and policies.
 - (1) The SPMO is the primary source of authoritative information and interpretation of policies and procedures.
 - (2) The SPMO will review notices of proposed actions and of final decision prior to their delivery to technicians. In reviewing these actions the SPMO assures that regulatory requirements, both procedural and substantive, are met. Oral reprimands need not be coordinated with the SPMO.
 - c. Supervisors and Operating Officials:
 - (1) Select, promote, and reassign personnel.
 - (2) Assign and review the work of their technicians and evaluate performance.

Supersedes NHNG TPR 751 dated 28 March 1979, reprint of 18 May 1981, and NHNG TPR 753, dated 20 January 1975.

1 July 1983

(3) Schedule and approve leave.

(4) Maintain an environment which generates good employee-management relations and efficient production.

(5) Keep technicians informed of rules, regulations and standards of conduct, and maintain conduct and discipline within the framework of policy and established procedures.

(6) Gather, analyze and carefully consider all facts and circumstances before taking or recommending disciplinary action.

(7) Constructively correct technicians individually and in private.

(8) Coordinate, sign, and issue notices of proposed action; receive and consider replies and issue notice of original decision; and assure that coordinations of management officials and the SPMO, required by regulations or policy, are obtained. Original decisions to take adverse action must, at a minimum, be issued by the next level supervisor except that when the next level supervisor is The Adjutant General, his designee may be assigned the full range of these responsibilities.

(9) Technicians. Technicians must perform their assigned related duties conscientiously, including those responsibilities which are necessary. They are expected to respect the administrative authority of those directing their work and observe the spirit as well as the letter of the laws and regulations governing their conduct. The New Hampshire National Guard does not interfere in the private lives of its employees. It does require that they be honest, reliable, trustworthy, and of good character, reputation, and unquestioned loyalty.

4. LIKE PENALTIES FOR LIKE OFFENSES. In taking disciplinary actions, like penalties should be imposed for like offenses. Those in authority should be as consistent as possible when deciding on disciplinary actions. Adherence to this principle will help to insure equitable and uniform treatment to technicians against whom disciplinary and adverse actions are proposed. Whenever corrective action becomes necessary, the disciplinary measures taken should have a constructive effect. Disciplinary action will be taken for the sole purpose of correcting offending technicians and problem situations and maintaining discipline and morale among others. Where corrective action can be accomplished through closer supervision, on-the-job training, or oral admonitions or warnings, formal disciplinary action should not be taken. Constructive discipline, in order to be effective, must be timely. The results to be achieved through this means diminish in proportion to the time allowed to elapse between the offense and the corrective action taken. Before initiating action, supervisors will inquire into an apparent offense to assure appropriate consideration of material aspects of the situation. A disciplinary action is appropriate only when there has been an identifiable offense. Any action taken must be:

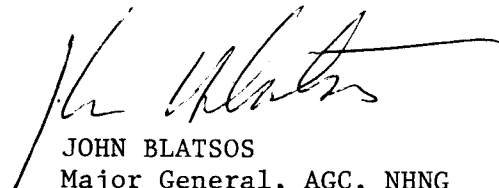
- a. For good cause;
- b. Consistent with applicable laws, regulations, and policies;
- c. Fair; and
- d. Timely.

5. INFORMAL DISCIPLINARY ACTIONS. Informal disciplinary actions consist of oral reprimands and are the first steps in constructive discipline. An oral reprimand is an interview between a supervisor and a technician. It is the least formal and least severe of the disciplinary actions, having no procedural requirements, no prescribed format, and a high degree of flexibility. These interviews are recorded on the supervisors record, NGB Form 904-1, and deleted two years after the interview. As a general rule, such actions are taken by the supervisor on his own initiative in situations of a minor nature involving violation of a rule, standard of conduct, safety practice, or authoritative instruction. The technician should be advised of the specific infraction or breach of conduct and exactly when it occurred (date of the incident) and he should be permitted to explain his conduct or act of commission or omission, and that he may request to have a representative present during the interview.

6. FORMAL DISCIPLINARY ACTIONS. Formal discipline is any disciplinary action that is officially documented in a technician's Official Personnel Folder. These actions consist of written reprimands, suspensions, and removals. Even though these actions constitute formal discipline, only suspensions and removals are considered as adverse actions in that they affect the pay of a technician. Formal disciplinary actions are initiated and signed by the appropriate supervisor, but such actions must be coordinated with and reviewed by the SPMO to assure regulatory compliance.

7. PROCEDURES. National Guard Bureau Technician Personnel Regulation Number 752, Discipline and Adverse Action, contains the procedures that must be followed when taking a disciplinary or adverse action, once the decision to initiate such action is made.

8. TABLE OF PENALTIES. The determination of which penalty is to be imposed in a particular situation requires the application of responsible judgment. Appendix "A" to NGB TPR 752 is established as the table of penalties for Technicians employed in the State of New Hampshire. The table assists in this exercise of judgment by showing the relationships of the factors involved. Any decision made by using this table must be capable of explanation in the event it is subjected to appellate reconsideration. The penalty selected should not be overly harsh, but should contribute to the solution of the problem and to the attainment of a generally effective management environment, and should take into consideration all material factors.


JOHN BLATSOS
Major General, AGC, NHNG
The Adjutant General